

**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 7 JANUARY 2007)**

+NO	NAME OF SUBMITTER	DESCRIPTION OF AFFECTED PROPERTY	SUBMISSION SUMMARY	OFFICER OR COUNCIL'S RECOMMENDATION
1	A E & A M Cruse	14 McKirdy Way Marmion 6020	Supports rezoning of their property from Local Reserve – Parks and Recreation to Residential R20	Noted. Support proposed Amendment No 31 with minor modification.
2	H English	21 Seaforth Loop Kallaroo 6025	Support, particularly proposal 8 that will enable removal of Northshore's restrictive covenant imposed on future development in perpetuity.	Noted. Support proposed Amendment No 31 with minor modification
3	Environmental Protection Authority	Not applicable	No objection. No further advice or recommendations given.	Noted. Support proposed Amendment No 31 with minor modification
4	Water Corporation	Not Applicable	No objection and no further comment.	Noted. Support proposed Amendment No 31 with minor modification
5	C Stephens	25 Afric Way Kallaroo 6025	<p>Objection. Raised the following issues:</p> <ol style="list-style-type: none"> 1. Believes it is inappropriate that Council would not be required to respond in writing when an application has been refused. Considers Council has an obligation to respond and shouldn't abandon practice that is informative and good business. 2. The proposed wording of clause 6.5.3 removes the onus on Council to fully assess any application and allows delays to the application process via repeated requests for information. 	<p>Noted.</p> <ol style="list-style-type: none"> 1. Council is required to make a decision on a development application and communicate that decision to the applicant. No change to current practice will occur as a result of this amendment proposal. Delays in determining applications are usually due to the lodgement of incomplete applications where further information and details are required. 2. The proposed clause seeks to clarify the current protocol (under the City's recently introduced Gateway Development Application process) whereby the assessment timeframe for development applications doesn't commence until all

**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 7 JANUARY 2007)**

			<p>3. Suggests Council could set a reasonable period in which the applicant should respond, noting current limited access to qualified consultants to prepare documents.</p>	<p>necessary details/information is submitted in order to facilitate the proper assessment of the application.</p> <p>3. The onus is placed upon the applicant to provide the City with all the information it requires to properly assess and determine their development application. It is noted that a significant number of delays in the processing of applications is due to inadequate information being provided by the applicant.</p> <p>Support proposed Amendment No 31 with minor modification.</p>
6	HW Pearson	Not provided	<p>Objection. Raised the following issues:</p> <p>1. Opposes the addition of Clause 6.5.3 in proposal 13 because it will extend the approval process by giving the Council the power to create an unlimited period by asking for more information. Considers the period within additional details may be requested should be restricted.</p> <p>2. Provides comment on lengthy approval timeframes and believes it will harm future development within the City of Joondalup.</p>	<p>Noted.</p> <p>1. Refer comments in submission 5 above.</p> <p>2. Refer comments in submission 5 above.</p> <p>Support proposed Amendment No 31 with minor modification.</p>
7	M Dickie	23 Alfreton Way Duncraig 6023	<p>Objection. Raised the following issues:</p> <p>1. Opposes the addition of Clause 6.5.3 in proposal 13 because it will give Council unlimited time to ask for more information</p>	<p>Noted.</p> <p>1. Refer comments in submission 5 above. In addition, no additional 60 day period is triggered by the proposed clause. The clause</p>

**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 7 JANUARY 2007)**

			and trigger another 60 day period. 2. Believes that the clause is not needed given the City's Gateway process. If the clause is needed, suggests a 2 week period from the date when the application was lodged to request additional information.	seeks to clarify when the 60 day period commences, which is upon lodgement of a complete development application containing all the required details. 2. Noted. Support proposed Amendment No 31 with minor modification.
8	P Beyer	Not provided	Objection. Raised issues as submission 7.	Noted. Refer comments in submission 5 and 7 above. Support proposed Amendment No 31 with minor modification.
9	W McEwan	27 Timbercrest Rise Woodvale 6026	Objection. Raised issues as submission 7.	Noted. Refer comments in submission 5 and 7 above. Support proposed Amendment No 31 with minor modification.
10	M Macdonald	5 Mair Place Mullaloo 6027	Objection. Raised the following issues: 1. Does not support the amendment because the report is not accurate in some instances i.e. some proposals do not contain issues that have been subject of previous requests to the Council and should therefore be addressed. Also believes that some proposals are strategic in nature.	Noted. 1. The submitter contests that proposals 1, 2, 5 and 14 are strategic in nature, however the proposals forming Amendment No. 31 does not seek to review or modify the strategic direction of DPS2 but to rather improve its functionality. The amendment is unable to capture all previously raised issues, and outstanding issues are envisaged to be dealt with via future scheme amendments and the

**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 7 JANUARY 2007)**

			<p>2. Does not support proposal 1 to remove the Special Use Zone as no adequate reasons are being given for its removal. Considers the only argument for its removal is that there is no developments listed in this zone. Believes this is a strategic proposal.</p> <p>3. Does not support proposal 4 relating to the Commercial Zone because the City should encourage shopping and business areas to provide structure plans under Part 9 and be rezoned to Centre Zone. This would provide certainty about what is planned for their area. This proposal is a strategic proposal.</p> <p>4. Does not support proposal 5 that relocates clause 3.18 to Part 1 of DPS2 because it is considered it incorporates a new zone for the purposes of introducing Network City/Precinct Planning. Particularly in relation to residential land near railway stations. This proposal is a strategic proposal.</p>	<p>scheme review process.</p> <p>2. Noted. The matter has been considered and, since the zone is not used, the view is that this zone is no longer necessary. Furthermore, alternative zones and/or the Additional and Restricted use provisions in DPS2 could be used in the future should a particular situation arise that warrants such an approach.</p> <p>3. The City encourages the preparation of structure plans for its commercial areas and will continue to do so. The proposal seeks to capture both existing and new commercial areas and will widen the scope to ensure both situations are captured under DPS2. All proposals forming the amendment are not considered to be strategic in nature.</p> <p>4. The clause is currently listed within the Part 3 - Zones and the proposal seeks to simply move Clause 3.18 (without altering the wording) to Part 1 - Preliminary of DPS2. The proposal does not relate to Network City (a State Government document) or planning by the City on a precinct basis. Any future rezoning and/or Density code changes to land around existing railway stations would require formal DPS2 amendment and therefore be publicly advertised.</p>
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**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 7 JANUARY 2007)**

			<p>5. Does not support the removal of Clause 8.9 in proposal 7 without an alternative being identified in the scheme text.</p> <p>6. Does not support proposal 9 relating to the recision of home business approval because the scheme text does not state where this enforcement issue is covered.</p> <p>7. Does not support proposal 14 relating to public notice because it allows the City to reduce the current advertising requirements. There is no definition of affected ratepayers and leaves officers to determine who is an affected ratepayer, leading to differences and ambiguity. This is a strategic proposal.</p> <p>8. Does not support proposal 19 relating to changes to the zoning table without the insertion of 'Short Stay Accommodation'. Considers this is long overdue and should be accompanied with a definition in schedule 1, applicable development standards, controls and residential density.</p> <p>9. Does not support proposal 21 relating to schedule 1 (interpretations) of DPS2 because of omissions. Suggests need to define this so that it is not assessed as a 'Residential Building'.</p>	<p>5. An alternative is not legally required as the necessary powers are contained within the Planning and Development Act 2005.</p> <p>6. Legal advice suggests that its not required to be stated in DPS2 since the necessary powers are contained within Part 13 of the Planning and Development Act 2005.</p> <p>7. This proposal does not seek to reduce advertising requirements but to widen the range of advertising methods the Council can use. Consultation is based upon the type of application submitted and the details contained therein. Proposals forming the amendment are not considered to be strategic in nature.</p> <p>8. Proposed Amendment No 31 is primarily a technical review. The matter of short stay accommodation is being addressed separately.</p> <p>9. Refer to above comments in issue 8.</p> <p>10. Proposal 24 seeks to rectify various DPS2</p>
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**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 7 JANUARY 2007)**

			<p>10. Does not support proposal 24 relating to DPS2 map zoning modifications as it is poorly written and contains inaccuracies and ambiguities. It is not clear whether or not this proposal seeks to rezone and recode various parcels of land or whether the proposal is to alter the map to correct for amendments already made. In addition, it is considered that rezoning of 10 residential zoned blocks in Merrifield Place, Mullaloo should be included in the proposal.</p>	<p>mapping errors that have been found. It is correct that the DPS2 map shows zoning and density code information on separate maps, however they collectively form the entire DPS2 map. Therefore, from a technical perspective, it is not necessary to separate zoning and density code information. Proposal 24 does not seek to change or increase the Density code of any land, except the land forming the Currambine Structure Plan No. 14 area, which is to be recoded from R20 to uncoded. It is agreed that the table in the amendment document should be modified to remove any reference to density coding, with the exception of the lots forming the Currambine Structure Plan No. 14 area as outlined above. In response to the Merrifield Place lot zoning issue, it is expected that this matter will be further considered by Council, once an audit of all of the City's assets has been completed.</p> <p>Support proposed Amendment No 31 with minor modification.</p>
11.	M Caiacob	7 Rowan Place, Mullaloo 6027	<p>Objection. Raised the following issues (some as quoted in italics):</p> <p>1. Does not support the amendment and it should not proceed. Believes City should review its Scheme not an amendment and queries why the City prepared the Amendment when it's in breach of scheme review requirements. Report does not provide all information/detail</p>	<p>Noted.</p> <p>1. Refer comments in 10 (1) above. In addition, there are no changes proposed to the Town Planning Delegations as part of Amendment No 31.</p>

**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 7 JANUARY 2007)**

			<p>required, defective in parts and fails to address outstanding issues that arise through operation of the scheme. Failure to act on Ministers previous requests is reprehensible and queries if some of the amendments are being progressed to assist future proposals. Also believes that some proposals are strategic in nature and dilution of powers of delegation not open and accountable governance. Suggests amendment to delegations should be initiated by the Council not by those delegated the powers. Officers legal advice and brief not provided and the amendment does not represent me or my lifestyle or amenity. Also makes the following statement;</p> <p><i>‘Query if amendments to Town Planning Schemes are day to day operations of the City or affairs and performance of the Local Governments functions when it comes to obtaining legal advice’</i></p> <p>2. Does not support proposal 1 to remove the Special Use Zone as DPS2 shows 265 Eddystone Avenue, Beldon as a Special Use Zone. The zone must remain as structure plans may wish to include this zone and failure to have this zone may result in development being restricted under a Structure Plan.</p>	<p>Proposed Amendment No. 31 is not a full strategic review of the District Planning Scheme as described in the Planning and Development Act 2005.</p> <p>2. Amendment No. 4 to DPS2 rezoned Lot 656 (No. 265) Eddystone Avenue Beldon from ‘Special Use Zone’ – Office, Hardware, Garden Centre (700m²) and Medical Centre to ‘Business Zone’ and was gazetted on 3 July 2001. Alternative zones and/or the Additional and Restricted use provisions in DPS2 could be used in the future should a</p>
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**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 7 JANUARY 2007)**

			<p>3. Does not support proposal 2 relating to multiple land use in buildings as no development standards or definitions have been provided.</p> <p>4. Does not support proposal 3 relating to building setback and retail activity in business and mixed use zones as it highlights how selective inclusions into the amendment have been adopted by officers. Whilst agreeing with the clause, queries why other issues raised in SAT are (Multiple dwellings in R20, shortstay etc). These issues need to be addressed holistically, not piece meal.</p> <p>5. Does not support proposal 4 relating to the Commercial Zone as it suggests a Structure Plan may not be required. Suggests a Structure Plan should be mandatory or the requirement at Council's discretion for all shopping and business areas. Suggests the clause could be argued in SAT that a structure plan is not required and raises concerns for the need of the clause when development should comply with the City's centres strategy and rezoned to</p>	<p>particular situation arise that warrants such an approach.</p> <p>3. The clause seeks to clarify that various land uses can occupy different areas of the same building. This clause does not alter the development standards and definitions within DPS2 and the Residential Design Codes that already exist.</p> <p>4. The amendment is unable to capture all previously raised issues, and outstanding issues are envisaged to be dealt with via future scheme amendments and the scheme review process.</p> <p>5. Refer comment 10 (3) above.</p>
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**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 7 JANUARY 2007)**

			<p>Centre Zone.</p> <p>6. Does not support proposal 5 that relocates clause 3.18 to Part 1 of DPS2 because it is in conflict with Councils previous resolution relating to Network City. This is a strategic proposal with many repercussions contrary to what the report states and highlights why a complete review of DPS2 is required.</p> <p>7. Does not support proposal 8 relating to the removal of restrictive covenants as the City should not get involved in civil matters and to become involved is not open, accountable or desirable governance. This is civil not planning and highlights why a review of DPS2 is required.</p> <p>8. Does not support proposal 9 relating to the rescision of home business approval because no copy of the Act has been provided and can't ascertain of comments are correct. No copy of legal advice provided.</p> <p>9. Does not support proposal 12 relating to application for planning approval because proposed clause 6.1.3 (i) should refer to the Council, not the local government. DPS2 is operated by the Council and powers delegated to</p>	<p>6. Refer comment 10 (4) above.</p> <p>7. This proposal is intended to bring the City's DPS text into the same framework as required by the State Government. The proposal provides the community with greater surety about planning outcomes in the Local Government area.</p> <p>8. The Town Planning and Development Act provides the legislative framework for enforcing DPS controls. Replication of this framework within the DPS is unnecessary. The Planning Act can be viewed on the State Law Publisher website.</p> <p>9. This clause referred to relates to a planning application not being required for temporary works in existence for less than 48 hours, or such longer time if the Local Government agrees. It is considered undesirable from an operational view to require the Council to</p>
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**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 7 JANUARY 2007)**

			<p>officers. Council should not approve reduction of powers by giving the local government the power instead.</p> <p>10. Does not support proposal 14 relating to public notice because it further reduces effective public consultation. The City is not conservative in its consultation as seen from the recent extensions of time provide by Council . 'And/or' is no substitute for 'will'.</p> <p>11. Does not support proposal 16 relating to delegation of control powers. Appears under Clause 5.45 of the LG Act there is no minimum period for delegation and can only be exercised according to tenor and did not preclude the Council from exercising the power. The proposal removed Council power to call in a development from delegated authority.</p> <p>12. Does not support proposal 19 relating to changes to the zoning table because no reference made to Sorrento Resort Outcome. Why is a winery not being deleted as the City has none or is this for the Luisini winery application?</p>	<p>make a decision as to the permissibility of the timeframe for temporary works.</p> <p>10. The change reflects the range of options that are available and desirable in terms of providing public notice of planning proposals.</p> <p>11. There is no change proposed to the extent town planning delegations, which are enacted by a separate resolution of Council. Council can specify the period of delegations.</p> <p>12. The proposed change relating to the 'holiday village/Resort' land use class seeks to separate each into individual uses classes (in the zoning table of the DPS) This would align with the existing separate definitions of each term in the DPS Interpretations section. It does not relate to the Sorrento Resort or any other individual development. There is no proposal specifically related to Luisini winery. The term Winery is defined in DPS2, however, is not currently included within the Use</p>
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**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 7 JANUARY 2007)**

			<p>13. Does not support proposal 21 relating to schedule 1 (interpretations) of DPS2 because of omissions such as short, medium, long stay. Accommodation, residential building etc. Does not contain issues that have been subject of previous requests to the Council and Minister and should therefore be addressed.</p> <p>14. Does not support proposal 23 relating to the deletion of text in Schedule 6. Regardless of proposal 16, there needs to be strict guidelines for whom can be delegated with Council's authority and a minimum standard needs to be set.</p> <p>15. Does not support proposal 24 relating to DPS2 map zoning modifications. Maps are to be kept up to date. No explanation for the 'anomalies' has been given. No zoning 'Residential R20' or 'Local Reserve'. Not enough information provided and queries why the City has not dealt with the 10 lots in Merrifield Place.</p>	<p>Class table. It is proposed to include a winery as a 'D' use in the Rural zone.</p> <p>13. Proposed Amendment No 31 is primarily a technical review. Matters, such as short stay accommodation are currently being addressed. Other suggested matters can be considered as part of the forthcoming scheme review</p> <p>14. Refer comments on issue 11 above.</p> <p>15. The changes are intended to capture the intentions for various discrete land parcels (eg drainage reserves).</p>
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